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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/740,582 | 12/19/2000 | Man C. Niu | 13402.00004 | 6349 |
| 34661 | 7590 | 08/24/2004 | EXAMINER | |
| CHARLES N. QUINN FOX, ROTHCILD, O'BRIEN & FRANKEL, LLP 2000 MARKET STREET, 10TH FLOOR PHILADELPHIA, PA 19103 | | | | BAUM, STUART F |
| | | ART UNIT | | PAPER NUMBER |
| | | 1638 | | |

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

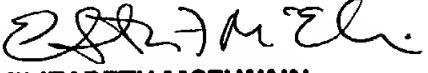
1. The amendment filed on 6/28/2004 in response to the office communication mailed 11/6/2003 is non-responsive for not specifically addressing the Deposit rejection. Applicant did not amend the claims to remove references to specific corn varieties 27-1 or 85089, did not address how Applicant will comply with the Deposit rules, or rebut the rejection.
2. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stuart F. Baum whose telephone number is 571-272-0792. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on 571-272-0804. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Stuart F. Baum Ph.D.
Patent Examiner
Art Unit 1638
August 19, 2004


ELIZABETH McELWAIN
PRIMARY EXAMINER